

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROBBIN CROSKEY,

Defendant.

Case No. 4:11-CR-00196-JCH/DDN

MOTION REQUESTING EARLY PRODUCTION OF JENCKS ACT MATERIALS

Now comes the Defendant, Robbin Croskey, by and through counsel, Gary E. Malone, and respectfully moves this Court for an order requiring the Government to produce to her all materials required to be produced under the provisions of the Jencks Act, 18 U.S.C. § 3500, and in support thereof states the following:

1. A literal reading of the Jencks Act requires the production to Defendant Croskey of materials covered by its provisions only upon the completion of the testimony of a government witness.
2. If such procedure is followed, long delays may occur at trial while defense counsel examines the Jencks Act materials.
3. That early production of the Jencks Acts materials may greatly expedite trial.
4. That pre-trial disclosure of the Jencks Act materials is necessary in order to permit defendant Croskey to adequately prepare her defense and cross-examination of the Government's witnesses , if any; to avoid surprise at trial; and to ensure her constitutional protection to a fair trial. More specifically, the Government has produced voluminous

discovery; however, not a single shred of evidence suggests or infers guilt, circumstantially or directly on the part of Defendant Croskey.

5. The Government has a duty to produce to Defendant Croskey what its evidence will be, and if it is clear that the evidence cannot suffice scrutiny to prove the charged offense beyond a reasonable doubt, then the Government has a duty to move for dismissal. United States v. Dennis, 645 F.2d 517 (1981); See also United States v. Weber, 721 F.2d 266 (9th Cir. 1983). Defendant Croskey “has at stake an interest of transcending value.” In re Winship, 397 U.S. 358, 363 (1970). The risk and expense to which she is subjected by the prosecution requires the earliest reasonable termination of a charge that is void or impossible of proof.

WHEREFORE, Defendant, Robbin Croskey, prays that the Court order early production of Jencks Act materials.

Respectfully Submitted,

Date: 10/17/2011

s/Gary E. Milone
Attorney for Defendant

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CERTIFICATE OF SERVICE

I hereby certify that on October 17, 2011, I electronically filed a Motion Requesting Early Production of Jencks Act Materials with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following:

C. John Pleban

Nick A. Zotos

Kenneth R. Tihen

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Charles E. Kirksey, Jr.

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I further certify that on October 17, 2011, I mailed by United States Postal Service, the document to the following non-registered participants:

NONE

Respectfully submitted,

s/Gary E. Milone

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